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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,568	11/21/2003	Christopher Parks	86626PCW	3553
7590	11/15/2005		EXAMINER	
Pamela R. Crocker Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			LIVEDALEN, BRIAN J	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/719,568	PARKS, CHRISTOPHER <i>(Signature)</i>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/10/2005</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This action is filed in response to applicant's amendments filed on 10/24/2005. Claims 1-8 are still pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (JP 2001094084).

In regard to claims 1, 2, 4-6, and 8, Yamamoto discloses (fig. 1a and 1b) an image sensor and camera (field of the invention) having a plurality of pixels (fig. 3) arranged in an array, each pixel having: a photosensitive area (2) that receives incident light for detecting photons; and at least one micro-lens (9a) that substantially spans a peripheral region of the photosensitive area, and the at least one micro-lens does not span a central portion of the photosensitive area for focusing light from outside the peripheral region to the photosensitive area. Yamamoto further discloses that the at

least one micro-lens is only one micro-lens which is shaped substantially continuous spanning the peripheral region of the photosensitive area and include a hollowed out portion. Yamamoto further discloses the image sensor being a CCD sensor (Field of the Invention).

Claims 1, 2, 4-6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al. (2004/0223071).

In regard to claims 1, 2, 4-6, and 8, Wells discloses (fig. 1 and 6) an image sensor and camera having a plurality of pixels arranged in an array, each pixel having: a photosensitive area (5) that receives incident light for detecting photons; and at least one micro-lens (fig. 6,13) that substantially spans a peripheral region of the photosensitive area, and the at least one micro-lens does not span a central portion of the photosensitive area for focusing light from outside the peripheral region to the photosensitive area. Wells further discloses that the at least one micro-lens is only one micro-lens which is shaped substantially continuous spanning the peripheral region of the photosensitive area and include a hollowed out portion. Wells further discloses the image sensor being a CCD or CMOS sensor (page 3, paragraph 0034).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (JP 2001094084).

In regard to claims 3 and 7, Yamamoto discloses a camera with an image sensor as set forth above. Yamamoto fails to disclose the photosensitive area being substantially 10 microns or more in width or length. However, determining size is a matter of design choice and is of routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the photosensitive area have a width or length of at least 10 microns in order to choose a size that will produce the desired accuracy.

Claims 3 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (2004/0223071).

In regard to claims 3 and 7, Wells discloses a camera with an image sensor as set forth above. Wells fails to disclose the photosensitive area being substantially 10 microns or more in width or length. However, determining size is a matter of design choice and is of routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the photosensitive area have a width or length of at least 10 microns in order to choose a size that will produce the desired accuracy.

***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Livedalen whose telephone number is (571) 272-2715. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THANH X. LUU  
PATENT EXAMINER

bjl